

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CRAIG CUNNINGHAM,

Plaintiff,

v.

MICHAEL MONTES, TOLLFREEZONE.COM,
INC., MYDATAGUYS.COM, LLC,
PODMUSICGEAR.COM, INC., and
EMAILMYVMAIL.COM, INC.,

Defendants.

ORDER

16-cv-761-jdp

This Telephone Consumer Protection Act case is back before this court on remand from the Seventh Circuit, which vacated this court's entry of default judgment. Dkt. 88. I received the mandate remanding the case on March 15, 2018, and now I must determine how best to proceed. The Seventh Circuit indicated that default judgment would be appropriate if there were new evidence showing that service by publication was authorized. Otherwise, the case must be decided on the merits. I will direct the clerk of court to set a telephone conference before Magistrate Judge Stephen Crocker to determine whether pro se plaintiff Craig Cunningham wishes to present evidence concerning service-of-process issues and set a schedule for trial. If Cunningham wants the opportunity to present new evidence on the service issue, I will hold a hearing; if he does not, the case will proceed on the merits.

Entered March 19, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge